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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,082	03/08/2004	Shigetaka Kinme	04970/0200979-US0	8676
7278	7590	12/13/2005	EXAMINER	
DARBY & DARBY P.C.			GARCIA, ERNESTO	
P. O. BOX 5257			ART UNIT	
NEW YORK, NY 10150-5257			PAPER NUMBER	

3679

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,082	Applicant(s) KINME ET AL.	
	Examiner Ernesto Garcia	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

Claims 1, 4, and 5 are objected to because of the following informalities:

regarding claim 1, --of the shaft joint-- should be inserted after "side" in line 6;
and,

regarding claims 4 and 5, "the other" in line 2 should be --another-- as two side faces have not being previously recited. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "an outer side" in line 6 lacks a point of reference. In other words, relative to what component is the outer side from?

Regarding claim 7, the limitation "an outer side" in line 5 lacks a point of reference. In other words, relative to what component is the outer side from?

Regarding claims 2-6, the claims depend from claim 1 and therefore are indefinite.

Claim Rejections - 35 USC § 102

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekine et al., 6,155,739 (see marked-up attachment provided in the last Office action).

Regarding claim 1, Sekine et al. disclose, in Figures 11-13, a coupling structure comprising a shaft body **102**, a shaft joint (see Figs. 12-13), and a coupling shaft **103**. The shaft body **102** has a positioning recess **A2** close to an end portion thereof (see also Fig. 12). The shaft joint has an engagement groove **A5** and a flexible member **405**. The shaft body **102** is engaged with the shaft joint. The flexible member **405** is provided on an outer side of the shaft joint, and extends in a longitudinal direction of the engagement groove **A5**. The coupling shaft **103** is inserted into the bores **101c, 101d**.

Applicant should note that the limitation requiring the flexible member to be engaged with the positioning recess is considered to be met by Sekine et al. in so far as Sekine's flexible member **405** is capable of being engaged with the positioning recess **A2**.

Regarding claim 2, the flexible member **405** has a deflection regulating portion **405j** facing a side face **A11** of the engagement groove **A5**.

Regarding claim 3, a tip **A12** of the flexible member **405** is bent outward in a width direction **A13** of the engagement groove.

Regarding claims 4 and 5, the flexible member **405** is provided more inwardly (as at **A12**) than another side face of the engagement groove **A5**.

Regarding claim 6, the positioning recess **A2** is substantially perpendicular to an axial direction of the coupling shaft **103**.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Aota et al., 6,474,898.

Regarding claim 1, Aota et al. disclose, in Figure 3, a coupling structure comprising a shaft body **5**, a shaft joint **1**, and a coupling shaft **17**. The shaft body **5** has

a positioning recess **47** close to an end portion thereof. The shaft joint **1** has an engagement groove (shaft body **5** is in the groove) and a flexible member **30**. The shaft body **5** is engaged with the shaft joint **1**. The flexible member **30** is provided on an outer side of the shaft joint, and extending in a longitudinal direction of the engagement groove. The coupling shaft **17** is inserted into the bores **15,16**.

Applicant should note that the limitation requiring the flexible member to be engaged with the positioning recess is considered to be met by Aota et al. in so far as Aota's flexible member **30** is capable of being engaged with the positioning recess **47**.

Regarding claim 2, the flexible member **30** has a deflection regulating portion **10** facing a side face **22** of the engagement groove.

Regarding claim 3, a tip (the end of member **10**) of the flexible member **30** is bent outward in a width direction of the engagement groove.

Regarding claims 4 and 5, the flexible member **30** is provided more inwardly than another side face of the engagement groove.

Regarding claim 6, the positioning recess **47** is substantially perpendicular to an axial direction of the coupling shaft **17**.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by McClanahan et al., 5,628,578 (see marked-up attachment).

Regarding claim 7, McClanahan et al. disclose, in Figure 5, a coupling structure comprising a shaft body **16**, a shaft joint **10**, a flexible member **12**, and a coupling shaft **18**. The shaft body **16** has a positioning recess **A2** close to an end portion **A3** thereof. The shaft joint **10** has an engagement groove **A5** engaging the shaft body **16**. Bores **66** are facing the engagement groove **A5**. The flexible member **12** is provided on an outer side **A8**. The flexible member **12** extends in a longitudinal direction **A9** of the engagement groove **A5** and engages with the positioning recess **A2**. The coupling shaft **18** is inserted into the bores **66** and couples the shaft body **16** and the shaft joint **10** and a semi-circular groove **76** near an end portion **A3** of the shaft body **16** contains the coupling shaft **18**.

Response to Arguments

Applicants' arguments filed 09/30/2005 have been fully considered but they are not persuasive.

In respect to Sekine et al., applicants have argued on page 7, lines 1-2 of the remarks that "the reference must teach a flexible member engaged with the positioning recess". In response that the references fail to show certain features of applicant's

Art Unit: 3679

invention, it is noted that the features upon which applicant relies (i.e., the flexible member being engaged with the positioning recess) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicants are also encourage to review Figures 20 and 24, since the flexible member engages with the recess.

In respect to Aota et al., again, it is noted that the features upon which applicant relies (i.e., the flexible member being engaged with the positioning recess) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 3679

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

December 5, 2005

Attachment: one marked-up page of McClanahan et al., 5,628,578



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

